

On April 9, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal after relabeling.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2974. Adulteration and misbranding of vino vermouth. U. S. v. Italian Importing Co. Plea of guilty. Fine, \$100. (F. & D. No. 4805. I. S. No. 19531-d.)

On June 23, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Italian Importing Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on June 21, 1911, from the State of New York into the State of Illinois, of a quantity of so-called vino vermouth which was adulterated and misbranded. The product was labeled: "De Martini Vino Vermouth. The Italian Importing Co. of New York. A Compound Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 19441. The Italian Importing Co. of New York. New York. Extra." Analysis of a sample of the product by the Bureau of Chemistry of this department showed that alcohol and water had been substituted in whole or in part for wine.

Adulteration of the product was alleged in the information for the reason that there had been substituted in part for the genuine article, vino vermouth, other substances, to wit, alcohol and water. Misbranding of the product was alleged for the reason that it was misbranded and labeled, as aforesaid, so as to mislead and deceive the purchaser thereof, in that the statements, designs, and devices on the label thereof, regarding said article and the ingredients and substances contained therein, were false and misleading, in that said label would indicate that the article was a genuine Italian vermouth, whereas, in truth and in fact, it was an imitation vermouth in which a large amount of alcohol and water had been substituted for wine. Misbranding was alleged for the further reason that the statement "Vino Vermouth" on the label thereof, regarding said article and the ingredients and substances contained therein, was false and misleading in that said words would indicate that the article was a genuine wine of vermouth, whereas, in truth and in fact, it was not wine of vermouth but was an imitation thereof, and was a product consisting largely of water, alcohol, flavoring matter, and a small amount of wine.

On November 14, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2975. Adulteration of tomato pulp. U. S. v. William Numsen & Sons. Plea of guilty. Fine, \$10. (F. & D. No. 4806. I. S. No. 15289-d.)

On July 16, 1913, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Numsen & Sons, a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on November 13, 1911, from the State of Maryland into the State of Texas, of a quantity of tomato pulp which was adulterated. The product was labeled: "Tomato Pulp for Soup, Packed by Wm. Numsen & Sons. Incorporated. Main Office Baltimore, Md. U. S. A. Made from pieces and trimmings of tomatoes. * * * Clipper Brand. Contains 10 oz. or over."

Examination of a sample of the product by the Bureau of Chemistry of this department, showed the following results:

Yeasts and spores, 49 per one-sixtieth cubic millimeter. Bacteria, 28,000,000 per cc. Mold filaments in 80 per cent of the microscopic fields. Decayed pieces of tissue of macroscopic size present.

Adulteration of the product was alleged in the information for the reason that it consisted of a certain decomposed vegetable substance, to wit, decomposed pieces and trimmings of tomatoes.

On October 9, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2976. Adulteration and misbranding of spirits of niter. U. S. v. Charles J. Heineman and Albert T. Evans (Baltimore Drug Co.). Plea of guilty. Fine, \$25. (F. & D. No. 4807. I. S. No. 36222-e.)

On July 16, 1913, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles J. Heineman and Albert T. Evans, copartners, trading under the name and style of the Baltimore Drug Co., Baltimore, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on July 16, 1912, from the State of Maryland into the State of Virginia, of a quantity of spirits of niter which was adulterated and misbranded. The product was labeled: "Golden Horse Shoe Brand * * Trade Mark * * Spirit Nitre Alcohol 92 per cent Ethyl Nitrite 18 min. Manufactured for The Four Co. Norfolk, Va. Guaranteed Serial No. 505A * *."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the ethyl nitrite content was 1.9 per cent, or approximately 8.6 minims per fluid ounce. Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard under which it was sold, in that each of the cartons containing the bottles of said product bore the statement, in substance and effect, that the spirits of niter contained 18 minims of ethyl nitrite per fluid ounce, whereas, in truth and in fact, said product contained but 9.1 minims of ethyl nitrite per fluid ounce. Misbranding was alleged for the reason that each of the cartons containing the product bore a statement regarding the ingredients and substances contained therein, to the effect that the product contained 18 minims of ethyl nitrite per fluid ounce, which said statement was false and misleading, in that the product did not contain 18 minims of ethyl nitrite per fluid ounce, but, in truth and in fact, contained 9.1 minims of ethyl nitrite per fluid ounce. While it was alleged in the information that the product contained 9.1 minims of ethyl nitrite per fluid ounce, the analysis showed that it contained but 8.6 minims of ethyl nitrite per fluid ounce.

On October 9, 1913, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2977. Misbranding of wine. U. S. v. 8 Barrels and 2 Kegs of So-called Port Wine. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 4816. S. No. 1584.)

On November 18, 1912, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 barrels and 2 kegs of so-called port wine, remaining unsold in the original unbroken packages and in possession of the Globe Tobacco Co., Detroit, Mich., alleging that the product had been shipped on November 7, 1912, by Schaedler & Rhein, Kelleys Island, Ohio, and transported from the State of Ohio into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act. The barrels containing the product were labeled: (on one end) "G. T. Co. Detroit, Michigan," (on other end) "Schaedler and Rhein Port Wine, 52 Kelleys Island, Ohio."